

**UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF NEW YORK**

CORY HAMMOCK,

Plaintiff,

v.

MOVING STATE TO STATE LLC, NATALIE SCHMID, STATE TO STATE MOVING NY INC, STATE TO STATE MOVING GROUP LLC, MICKEY MILLER, JOE MILLER, and and DOES 2-6

Defendants(s).

1:18-CV-05628-SJ-ST

**SUPPLEMENTAL AFFIRMATION OF
TANNER BRYCE JONES IN SUPPORT
OF DAMAGES ON DEFAULT
JUDGMENT AGAINST DEFENDANT
MOVING STATE TO STATE LLC**

I, Tanner Bryce Jones, an attorney duly admitted to practice law in the courts of the State of New York and this Court, affirms the following to be true under the penalties of perjury:

1. I am the principal of Jones Law Firm, P.C., attorneys for Plaintiff Cory Hammock in the above-captioned action and, as such, I am familiar with the facts set forth below.

2. I submit this supplemental affirmation prior to the Court's March 7, 2019 inquest on damages in order to update the Court on Plaintiff's additional attorneys' fees accrued in prosecuting this action.

3. On January 17, 2019, a judgment in default was entered against Defendant Moving State to State LLC ("Defendant MSTS" or "MSTS") upon Plaintiff's Motion for Judgment in Default (Motion for Default). Dkt. No. 13. At that time, Plaintiff demanded \$3,827.69 for breach of contract, \$10,000.00 for punitive damages, \$22,716.00 for attorneys' fees, and \$687 in costs.

Reservation of Rights to Move for Further Relief as the Court May Deem Just and Proper

4. Because at the time Plaintiff filed his Motion for Default against MSTS, he did not

know whether or not he could expect to recover his belongings, Plaintiff's Motion for Default did not request compensatory damages for the loss of all his personal belongs.

5. Unfortunately, the situation has not changed for the Plaintiff. Defendant MSTS has stated in emails to me that Plaintiff's belongings are in a storage unit in Jamaica, Queens, and I am working diligently with my associates to recover those items, but I cannot say for sure that they will be recovered as I cannot confirm whether Defendants' representations are true.

Updated Total of Attorneys' Fees

6. Since that time, while Plaintiff's money damages have remained the same, his attorneys have expended a great deal more time prosecuting this action and attempting to secure the return of his belongings.

7. Jones Law Firm, P.C. is a law firm that represents litigants primarily in commercial, consumer fraud, and employment law matters.

8. Information about the attorneys and legal assistants working on this case prior to the Motion for Default—including Tanner “Bryce” Jones, John J. Thompson, Peter R. Bryce, Owanaemi “Emi” Briggs, Gia Laurente, and Matthew O’Connor—are detailed in Plaintiff’s Motion for Default. Dkt. No. 12-2, at 4-5. Two additional billers have since then been involved with this matter, as detailed below.

9. Clela A. Errington is an associate at Jones Law Firm, P.C. She received her law degree from New York University School of Law in 2012. Ms. Errington has litigated employer and labor cases in various state and federal courts. Ms. Errington began as an associate at Eisner & Mirer, P.C. in New York and joined Jones Law Firm, P.C. in 2019 after having worked in litigation support at various white shoe firms. Ms. Errington is licensed to practice law before all of the courts of the State of New York, as well as the Southern and Eastern Districts of New York.

10. Arianna Guardiola is a law clerk at Jones Law Firm, P.C. Ms. Guardiola received her bachelor's degree in Social Work from Michigan State University. She received her law degree from Boston University School of Law in 2018 where she was a staff member on the American Journal of Law and Medicine. Ms. Guardiola passed the July 2018 New York Bar Exam and is in the process of gathering employer references for her admission application. She joined Jones Law Firm, P.C. in 2018.

11. Plaintiff seeks a blended rate of \$375 per hour for all attorney and law clerk time spent on this case and \$90 per hour for paralegal time spent on this case. These hourly rates are in line with hourly rates approved by other courts in this District for attorneys with similar experience and are far below the recent rates clients were recently paying for several of these same attorneys when they were employed at large Manhattan law firms. *Brinkmeier v. Round Two Recovery, LLC*, No. CV 15-3693 (JS) (AKT), 2016 U.S. Dist. LEXIS 97664, at *24-25 (E.D.N.Y. July 25, 2016) (“To determine reasonable hourly rates, the Court considers this Circuit's adherence to the forum rule, which states that a district court should generally use the prevailing hourly rates in the district where it sits [citing cases]. Prevailing rates for experienced attorneys in the Eastern District of New York range from approximately \$300 to \$400 per hour.”).

12. The number of attorney and support staff hours submitted are supported by Jones Law Firm, P.C.'s records, are reasonable, and were necessarily expended on this litigation. Below is a chart representing each attorney's hours and the hourly rate we are requesting.

Name:	Position:	Hours:	Requested Rate:	Fees Accrued:
T. Bryce Jones	Principal	33	\$375 / Hour	\$12,375
John J. Thompson	Of Counsel	39.9	\$375 / Hour	\$14,962.50

Peter R. Bryce	Associate	23	\$375 / Hour	\$8,625
Clela A. Errington	Associate	9.8	\$375 / Hour	\$3,675
Emi Briggs	Associate	2.3	\$375 / Hour	\$862.50
Arianna Guardiola	Law Clerk	59.3	\$375 / Hour	\$22,237.50
Gia Laurente	Paralegal	2.4	\$90 / Hour	\$216
Matthew O'Connor	Paralegal	39.3	\$90 / Hour	\$3,537
Total Attorneys' Fees Requested:				\$66,490.50

13. Jones Law Firm, P.C. has also incurred the following costs in litigating this case:

14. Description of Cost	Payable To:	Total Cost:
Complaint filing fee	Clerk of Court (NYED)	\$400
Service of process of pleadings on the New York Secretary of State	Alexander Poole & Co. Inc.	\$60
Service of process of pleadings on the primary place of business	DGR Legal	\$227
Rush service of process of January 4, 2019 court order on registered agent	WNY Process Service	\$302.50
Rush service of early January, 2019 court orders, second amended complaint, and motion for temporary restraining order on primary places of business and registered agent	Empire State Legal Services	\$1,450
Private Investigator	MCL Consultants, LLC	\$740
Total Legal Expenses Incurred:		\$3,179.50

15. Plaintiff's expenses, which Jones Law Firm, P.C. paid on Plaintiff's behalf, are \$3,179.50. These costs and expenses were reasonable and necessarily incurred and are readily identifiable.

16. Much of the costs and attorney time accrued during the course of this litigation were made necessary by Defendants' refusal to participate in the litigation or comply with court orders, their refusal to retain counsel, and what seem to be Defendants' use of assumed names when communicating with me.

17. Since Plaintiff's request for an award of attorneys' fees and costs is being filed on March 6, 2019, the request is only seeking, and can only seek, recovery of fees and costs incurred and posted through March 5, 2019. Therefore, Plaintiff requests permission to file a supplemental request for an order awarding attorneys' fees and costs incurred and/or invoiced after March 5, 2019.

18. In sum, because the billing rates of the attorneys, paralegals and other staff rendering services on behalf of Plaintiff are reasonable, and because the hours expended were reasonable, Plaintiff is entitled to an award of its legal fees. Additionally, because the costs incurred in this litigation were reasonable and necessary for the representation of the client, Plaintiff is entitled to an award of its costs.

19. I believe that this complies with all relevant legal requirements for the recovery of attorneys' fees and costs. To the extent that there has not been material compliance with any particular rule, statute or guideline, or to the extent that the Court requires additional information and/or documentation, I respectfully request a waiver or an opportunity to cure.

I declare under penalty of perjury that the foregoing is true and accurate to the best of my knowledge, information and belief, that the remedies claimed are justly due to Plaintiff, and that no part thereof has been paid.

Dated: March 6th, 2019

Respectfully submitted,

/s/ T. Bryce Jones, Esq.
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